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Paul Caron
California Department of Transportation, District 7
120 S. Spring Street 1-8A
Los Angeles, CA 90012

REVISED CONDITIONAL CERTIFICATION FOR PROPOSED INTERSTATE 5/SANTA CLARA RIVER BRIDGE REPLACEMENT PROJECT (Corps' Project No. 2000-01823-AOA), CITY OF SANTA CLARITA, LOS ANGELES COUNTY (File No. 00-129)

Dear Mr. Caron:

Regional Board staff has reviewed your request on behalf of the California Department of Transportation, District 7 (the Applicant) for a modification of the Clean Water Act Section 401 Water Quality Certification issued for the above referenced project on January 22, 2001. A modification was requested in order to include a proposed increase in work area resulting in additional impacts associated with this project. A reinitiation of the Biological Opinion from the U.S. Fish and Wildlife Service was requested due to the increased impact area. The completed Biological Opinion was received by the Regional Board on August 7, 2003. The modifications have been incorporated into the Revised Conditional Certification and will supersede the original Conditional Certification.

I hereby certify that there is a reasonable assurance that the discharge from the Interstate 5/Santa Clara River Bridge Replacement Project, as proposed and described in Attachment A, if performed in accordance with all applicable water quality objectives, prohibitions, and policies set forth in the *Water Quality Control Plan, Los Angeles Region* (1994), and in accordance with the conditions specified in Attachment B, will comply with the applicable water quality standards and other appropriate requirements, including the provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act.

The Applicant shall be liable civilly for any violations of this certification in accordance with the California Water Code. This Certification does not eliminate the Applicant's responsibility to comply with any other applicable laws, requirements and/or permits.

Should you have questions concerning this certification action, please contact Valerie Carrillo, Lead, Section 401 Program, at (213) 576-6759.

[Original signed by]
Dennis A. Dickerson
Executive Officer

[September 23, 2003]
Date

California Environmental Protection Agency



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ATTACHMENT A

Project Information File No. 00-129

1. Applicant: California Department of Transportation, District 7
120 S. Spring Street, 1-8A
Los Angeles, CA 90012
Phone: (213) 897-0610 Fax: (213) 897-0685
2. Applicant's Agent: Paul Caron
California Department of Transportation, District 7
120 S. Spring Street, 1-8A
Los Angeles, CA 90012
Phone: (213) 897-0610 Fax: (213) 897-0685
3. Project Name: Interstate 5/Santa Clara River Bridge Replacement Project
4. Project Location: City of Santa Clarita, Los Angeles County
Township/Range: 4N/16W, USGS Map Newhall
Longitude/Latitude: 18° 35' / 34° 25' 30"
5. Type of Project: Bridge replacement
6. Project Description: The purpose of the project is to reconstruct the Interstate 5 Bridge over the Santa Clara River for public safety. The proposed project involves replacing the existing two bridges with a single larger bridge structure. The proposed bridge design would be a five-span, cast-in-place, prestressed boxgirder superstructure. The duration of work for the bridge replacement is two and one-half years.

Modification:

Aside from the proposed increased temporary work area, the overall project description included in the original Biological Opinion will remain the same. The additional temporary impact area is located adjacent to the existing clearing limits that currently extend 50 feet from the existing deck on each side of the bridge. The additional temporary impact area would cover an area of 0.77 acres. The area needs to be extended in order to provide additional space for the unanticipated size and amount of construction equipment to maneuver within the construction area.

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An additional 0.10 acres of permanent impact would also occur due to the increased work area. This permanent impact would result from the reconfiguration of the existing ungrouted rock rip-rap. The reconfiguration is necessary to redirect scour flows away from any piers, and would occur within the disturbed work area.

All additional impacts associated with this project will be mitigated at a ratio of 10:1 and 5:1 for permanent and temporary impacts; respectively.

- | | |
|---|---|
| 7. Federal
Agency/Permit: | U.S. Army Corps of Engineers
NWP Nos. 3 and 33 (Permit No. 2000-01823-AOA) |
| 8. Other Required
Regulatory Approvals: | California Department of Fish and Game
Streambed Alteration Agreement (Notification No. 5-258-00)

U.S. Fish and Wildlife Service
Section 7 Consultation (Biological Opinion No. 1-8-00-F/C-68)
Section 7 Consultation (Biological Opinion No. 1-8-03-F-22R) |
| 9. California
Environmental Quality
Act (CEQA)
Compliance: | The California Department of Transportation approved the project's Final Environmental Impact Report/Environmental Assessment (LA-5 KP 86.4, EA 176000, SCH No. 1999021066) on June 22, 2000. |
| 10. Receiving Water: | Santa Clara River (Hydrologic Unit No. 403.51) |
| 11. Designated Beneficial
Uses: | MUN, IND, PROC, AGR, GWR, FRSH, REC-1, REC-2, WARM,
WILD, RARE, WET |
| 12. Impacted Waters of the
United States: | <u>Original Impacts:</u>
Federal jurisdictional wetlands: 0.22 permanent and 0.86 temporary
acres.

Non-wetland waters (unvegetated streambed): 0.06 temporary acres. |

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Modified Impacts (Total Project Impacts):

Federal jurisdictional wetlands: 0.23 permanent and 1.63 temporary acres.

Non-wetland waters (unvegetated streambed): 0.06 temporary acres.

13. Dredge Volume: None
14. Related Projects Implemented/to be Implemented by the Applicant: Previous projects had been implemented at the bridge site in an attempt to alleviate scour of the bridge footings, including installation of sheet piling and a netting system (the Palisades system) around the footings. Scour monitoring devices had also been installed. The proposed project is anticipated to relieve the scour situation for the long term.
15. Avoidance/Minimization Activities: The Applicant has proposed to implement several Best Management Practices, including:
- Any work conducted during the winter will occur outside both the riparian zone and the active channel;
 - The work area will be limited to 50 feet beyond the edge of existing bridge decks;
 - Silt fencing, hay bales, sandbags, sediment catchment devices and other methods to control sedimentation and erosion will be implemented;
 - All fuel and water tanks will be kept a minimum of 100 feet from the edge of the nearest surface flow;
 - A platform, or some other device, will be placed under the bridge, but above the flow line to catch any debris;
 - The current boulder fenceline on the downstream, upland side of the bridge structure will be increased in both size and dimension to further discourage off-road vehicle use in the area. An additional gate is proposed on the downstream, upland side;

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- Three (3) cowbird traps will be installed (two within or adjacent to the sewage treatment plant and another at a yet-to-be determined area) and will be in operation for the two successive breeding seasons that construction is occurring;
- Spring surveys will be conducted throughout the construction period to gauge impacts on the least Bell's vireo, then continue for two years after construction to gauge immigration back into the project area;
- Fish barrier netting will be placed at the upstream and downstream limits of the project area prior to the commencement of construction. All fish will then be relocated outside the project limits by a qualified ichthyologist;
- A fish monitor will monitor fish populations during construction and will relocate fish out of harms way for the duration of construction, should any get past the fish barrier netting;
- Reports, one pre-construction (after initial relocation), one during construction, and one post-construction, will be prepared detailing the health of local aquatic populations, with emphasis on the stickleback. Fish surveys will be conducted for two breeding cycles after construction to determine immigration back into the area;
- Flows will in no way be impeded at any time during construction. Flows are anticipated to be culverted through the work area, and access across flows will be at designated locations over the culverts;
- Water monitoring will be conducted on a weekly basis for pH, oxygen levels, and various foreign constituent studies;
- Exotic vegetation removal will occur as part of the overall clearing and grubbing for the project; and
- On-site restoration, including revegetation and recontouring the streambed back to original configuration (with a few possible exceptions), will be conducted. A detailed topographic map of the Santa Clara River within the project area will be utilized to recontour the channel.

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16. Proposed
Compensatory
Mitigation:

The Applicant has proposed to create 2.2 acres and enhance 4.3 acres of wetland habitat to offset proposed permanent and temporary impacts to wetlands. These mitigation areas will result in 10:1 and 5:1 compensatory mitigation ratios, respectively. Mitigation is anticipated to occur within a 500-acre parcel (potential Mitigation Bank) in the Santa Clara River between the cities of Santa Paula and Fillmore in Ventura County.

Modified Mitigation:

The Applicant will be required to create 2.3 acres and enhance 8.45 acres of wetland habitat to offset permanent and temporary impacts associated with this project. These mitigation areas will result in 10:1 and 5:1 compensatory mitigation ratios, respectively.

See Attachment B Conditions of Certifications, Additional Conditions for modifications and additions to the above proposed compensatory mitigation.

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STANDARD CONDITIONS

Pursuant to §3860 of Title 23 of the California Code of Regulations (23 CCR), the following three standard conditions shall apply to this project:

1. This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to §13330 of the California Water Code and Article 6 (commencing with 23 CCR Section 3867).
2. This certification action is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to 23 CCR Subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. Certification is conditioned upon total payment of any fee required pursuant to 23 CCR Chapter 28 and owed by the Applicant.

ADDITIONAL CONDITIONS

Pursuant to 23 CCR Section 3859(a), the Applicant shall comply with the following additional conditions:

1. The Applicant shall submit to this Regional Board copies of any other final permits and agreements required for this project, including, but not limited to, the U.S. Army Corps of Engineers' Section 404 Permit and the California Department of Fish and Game's Streambed Alteration Agreement. **These documents shall be submitted prior to any discharge to waters of the United States.**
2. Fueling, lubrication, maintenance, operation, and storage of vehicles and equipment shall not result in a discharge or a threatened discharge to waters of the United States. At no time shall the Applicant use any vehicle or equipment which leaks any substance that may impact water quality. Staging and storage areas for vehicles and equipment shall be located outside of waters of the United States.
3. No construction material, spoils, debris, or any other substances associated with this project that may adversely impact water quality standards, shall be located in a manner which may result in a discharge or a threatened discharge to waters of the United States.

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4. Prior to any discharge to waters of the United States, the Applicant shall submit to this Regional Board a copy of the project's proposed **Water Pollution Control Plan**.
5. No activities shall involve wet excavations (i.e., no excavations shall occur below the seasonal high water table). A minimum **5-foot** buffer zone shall be maintained above the existing groundwater level. If construction or groundwater dewatering is proposed or anticipated, the Applicant shall file a **Report of Waste Discharge** to this Regional Board and obtain any necessary NPDES permits/Waste Discharge Requirements prior to discharging waste. Sufficient time should be allowed to obtain any such permits (generally 180 days). If groundwater is encountered without the benefit of appropriate permits, the Applicant shall cease all activities in the areas where groundwater is present, file a Report of Waste Discharge to this Regional Board, and obtain any necessary permits prior to discharging waste.
6. All surface water inflows shall be diverted away from areas undergoing grading, construction, excavation, vegetation removal, and/or any other activity which may result in a discharge to the receiving water. If surface water diversions are anticipated, the Applicant shall develop and submit a **Surface Water Diversion Plan** to this Regional Board. The plan shall include the proposed method and duration of diversion activities, erosion and sediment controls, and a map or drawing indicating the locations of diversion and discharge points. The plan must also include proposed activities to be implemented to ensure protection of the unarmored threespine stickleback, arroyo chub, Santa Ana sucker, and other fish species. The plan shall be submitted prior to any surface water diversions. If surface flows are present, then upstream and downstream monitoring for pH, temperature, dissolved oxygen, turbidity, and total suspended solids shall be implemented. These constituents shall be monitored on a **daily** basis during the first week of diversion activities, and then on a **weekly** basis, thereafter, until the in-stream work is complete. Results of the analyses shall be submitted to this Regional Board by the **15th** day of each subsequent sampling month. A map or drawing indicating the locations of sampling points shall be included with each submittal. Diversion activities shall not result in the degradation of beneficial uses or exceedance of water quality objectives of the receiving waters. Any such violations may result in corrective and/or enforcement actions, including increased monitoring and sample collection.
7. The Applicant shall not conduct any construction activities within waters of the United States during a rainfall event. The Applicant shall maintain a **five-day (5-day)** clear weather forecast before conducting any operations within waters of the United States.

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8. The Applicant shall restore the proposed **1.69 acres** of TEMPORARY IMPACTS to waters of the United States and all other areas of temporary disturbance which could result in a discharge or a threatened discharge to waters of the United States. Restoration shall include grading of disturbed areas to pre-project contours and revegetation with native species. The Applicant shall implement appropriate Best Management Practices to control erosion and runoff from areas associated with this project.
9. The Applicant shall provide COMPENSATORY MITIGATION for the proposed permanent loss of **0.23 acres** and the proposed temporal loss of **1.69 acres** of wetland habitat by creating a minimum of **2.30 acres** and enhancing a minimum of **8.45 acres** of wetland habitat (10:1 and 5:1 ratios, respectively) within the proposed 500-acre Mitigation Bank in the Santa Clara River, as described in the Applicant's October 18, 2000 submittal to the Regional Board.
10. All open space and mitigation areas shall be placed within a conservation easement to ensure preservation in perpetuity. Documentation of proper easement placement shall be submitted to the Regional Board when finalized.
11. The Applicant shall have copies of this certification and all other regulatory approvals on site at all times, and all contractors employed by the Applicant shall be made aware of the conditions of this certification.
12. The Applicant shall submit to this Regional Board **Annual Monitoring Reports** for a period of five (5) years documenting the success of all restoration and mitigation efforts, including, percent survival by plant species and percent cover. The reports shall include discussion of any monitoring activities and exotic plant control efforts. Representative photographs from designated stations shall be included in the reports. The reports shall be submitted by January 1 of each year, commencing **January 1, 2002**.
13. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **00-129**. Submittals shall be sent to the attention of the Nonpoint Source Unit.
14. Any modifications of the proposed project may require submittal of a new Clean Water Act Section 401 Water Quality Certification application and appropriate filing fee.
15. This certification shall expire **five (5) years** from the date of signature. The Applicant may request a renewal of this certification 180 days prior to its termination if the project as described has not been completed. Renewals may be granted in **five-year (5-year)** increments, are subject to additional filing fees, and will require Regional Board approval. If the Applicant fails to request a renewal prior to the certification's expiration, then the Applicant shall submit a new application and appropriate filing fees.

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16. *Enforcement:*

- (a) In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under state law. For purposes of section 401(d) of the Clean Water Act, the applicability of any state law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this certification.
- (b) In response to a suspected violation of any condition of this certification, the State Water Resources Control Board (SWRCB) may require the holder of any permit or license subject to this certification to furnish, under penalty of perjury, any technical or monitoring reports the SWRCB deems appropriate, provided that the burden, including costs, of the reports shall be a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
- (c) In response to any violation of the conditions of this certification, the SWRCB may add to or modify the conditions of this certification as appropriate to ensure compliance.